

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

ROB BUSHNELL, *et al.*,  
Plaintiffs,

\*

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v.

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Civil Action No. CCB-05-3128

ROBERT L. EHRLICH, JR.,  
GOVERNOR, *et al.*,  
Defendants.

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CONSENT MOTION TO STAY PROCEEDINGS

With the consent of the plaintiffs, Rob Bushnell, *et al.*, the defendants, Robert L. Ehrlich, Jr., Governor of Maryland; J. Joseph Curran, Jr., Attorney General of Maryland; and William Donald Schaefer, Comptroller of the Treasury of the State of Maryland, by counsel, request that the Court enter an order staying further proceedings in this matter pending the completion of the 2006 session of the Maryland General Assembly. A stay is appropriate because the General Assembly is expected to consider legislation that, if enacted, will have a direct bearing upon the issues raised in plaintiffs' constitutional challenge to Maryland statutes relating to the regulation of alcoholic beverages.

1. In the amended complaint, plaintiffs assert that the following Maryland statutes violate the Commerce Clause of the United States Constitution to the extent that they prohibit out-of-state wineries from selling and delivering wine directly to Maryland consumers, restaurants and retail wine dealers: Md. Code Ann., Art. 2B, §§ 1-201(a), 7-101(a)(2), 12-107, and 16-506.1.

2. The parties understand that various pertinent legislative proposals are being drafted and are likely to be introduced in the 2006 session of the General Assembly, which is now in progress. In all likelihood, these proposals will call for the amendment or



elimination of at least some, if not all, of the statutory provisions challenged in the amended complaint.

3. The current legislative session is scheduled to end on April 10, 2006.

4. In light of the legislative proposals that may be addressed by the General Assembly, a stay of proceedings pending the legislative session will serve the interests of judicial economy and efficiency by avoiding the need for court filings and proceedings that may be superseded or rendered moot by legislative action.

5. Plaintiffs' counsel has authorized undersigned counsel to represent that the plaintiffs consent to this motion to stay proceedings.

WHEREFORE, the defendants request that the Court stay these proceedings pending the completion of the 2006 regular session of the Maryland General Assembly. A proposed order accompanies this consent motion.

Respectfully submitted,

J. JOSEPH CURRAN, JR.  
Attorney General of Maryland



/s/

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Attorneys for Defendants

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 1st day of February 2006, the foregoing Consent Motion to Stay Proceedings with proposed Order was filed and served on opposing counsel by electronic case filing.

/s/

STEVEN M. SULLIVAN



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**ORDER**

Upon consideration of the defendants' consent motion to stay proceedings, and there being good cause shown,

IT IS ORDERED that all proceedings in this matter are hereby stayed pending the completion of the 2006 regular session of the Maryland General Assembly, which is scheduled to end on April 10, 2006; and

IT IS FURTHER ORDERED that upon the completion of the legislative session, the defendants may file a responsive pleading on or before May 1, 2006.

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Date

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Catherine C. Blake  
District Judge